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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRIS MCALARY

Appellant(s)

vs.

CASH CLOUD INC; & OFFICIAL
COMMITTEE OF UNSECURED
CREDITORS

Appellee(s)

Case No.: 2:23-cv-01424-GMN
Appeals Reference No.: 23-19

(Consolidated With)

Case No.: 2:23-cv-01427-GMN
Appeals Reference No.: 23-20

BK Case No.: 23-10423-mkn
Chapter: 11

**STIPULATION AND ORDER TO
STAY APPEAL PENDING
RESOLUTION OF BANKRUPTCY
COURT APPROVED SETTLEMENT**

CHRIS MCALARY

Appellant(s)

vs.

CASH CLOUD INC; & OFFICIAL
COMMITTEE OF UNSECURED
CREDITORS

Appellee(s)

Chris McAlary ("McAlary"), by and through his counsel, the law firm of Carlyon Cica, Chtd.; Cash Cloud Inc., ("Debtor") by and through its undersigned counsel; and the Official

1 Committee of Unsecured Creditors of Cash Cloud, Inc. dba Coin Cloud (the “Committee” and,
2 collectively with McAlary and Debtor, the “Parties”), by and through their respective undersigned
3 counsel, hereby file this stipulation pursuant to United States District Court, District of Nevada
4 Local Rule IA 6-2 to move this Court for good cause to stay appeal.

5 WHEREAS, on August 24, 2023, the Bankruptcy Court entered its *Order on Objection to*
6 *Debtor’s First Amended Chapter 11 Plan of Reorganization Dated August 1, 2023*¹ (the
7 “Memorandum Decision”) [ECF No. 1120];

8 WHEREAS, on August 24, 2023, the Bankruptcy Court entered its *Order: (A) Approving*
9 *Debtor’s Disclosure Statement [ECF No. 529] on a Final Basis; and (B) Confirming Debtor’s First*
10 *Amended Chapter 11 Plan of Reorganization Dated August 1, 2023 [ECF No. 996]* (the
11 “Confirmation Order”) [ECF No. 1126];

12 WHEREAS, on September 6, 2023, McAlary filed his Notice of Appeal of the Confirmation
13 Decision [ECF No. 1171];

14 WHEREAS, on September 6, 2023, McAlary filed his Notice of Appeal of the Confirmation
15 Order [ECF No. 1172];

16 WHEREAS, on September 11, 2023, the Notice of Appeal on the Confirmation Decision
17 was docketed with United States District Court Case No. 23-01427-GMN;

18 WHEREAS, on September 12, 2023, the Notice of Appeal on the Confirmation Order was
19 docketed with United States District Court (“USDC”) regarding Case No. 23-01424-GMN;

20 WHEREAS, this Court consolidated Appeal No 23-19/USDC Case No. 2:23-cv-01424-
21 GMN with Appeal No. 23-20/USDC Case No. 2:23-cv-01427-GMN;

22 WHEREAS, McAlary filed his Opening Brief on November 11, 2023;

23 WHEREAS, Debtor filed its Answering Brief on November 20, 2023, and the Committee
24 filed its Joinder to the Answering Brief on November 20, 2023;

25 WHEREAS, McAlary’s Reply Brief is currently due on or before December 4, 2023;

27 ¹ All references to “ECF No.” are to the numbers assigned to the documents filed in the bankruptcy
28 case as they appear on the docket maintained by the clerk of the court.

1 WHEREAS, the Parties have stipulated in the underlying bankruptcy case² (Case No. BK-
2 S-23-10423-MKN) to attend a settlement conference and to request that this Court stay the
3 consolidated appeal of the Memorandum Decision and Confirmation Order until further notice (the
4 “Stipulation”); and

5 WHEREAS, the United States Bankruptcy Court, District of Nevada (the “NVBC”) granted
6 the Parties’ Stipulation³.

7 **IT IS HEREBY STIPULATED** that Appeal No 23-19/USDC Case No. 2:23-cv-01424-
8 GMN is hereby STAYED pending further order of the Court, and that all pending deadlines be
9 vacated.

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² The Parties’ Stipulation is attached hereto as Exhibit 1 to **Exhibit A**.

28 ³ The NVBC’s order granting the Parties’ Stipulation is attached hereto as **Exhibit A**.

1 **IT IS FURTHER HEREBY STIPULATED** that the Parties shall file a status report within
2 thirty (30) days following the conclusion of their settlement conference.

3
4 **IT IS SO STIPULATED.**

5 **CARLYON CICA CHTD.**

6 By: /s/ Candace C. Carlyon
7 CANDACE C. CARLYON, ESQ.
8 Nevada Bar No.2666
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11 *Counsel for Christopher McAlary*

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&

SEWARD & KISSEL LLP

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(*pro hac vice applications granted*)
One Battery Park Plaza
New York, NY 10004
*Counsel for Official Committee
of Unsecured Creditors*

23 **IT IS SO ORDERED:**

24 
UNITED STATES DISTRICT COURT JUDGE

25 DATED: November 29, 2023
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28

EXHIBIT “A”

EXHIBIT “A”

IT IS FURTHER ORDERED that counsel now may elect to appear at the hearing remotely, rather than in-person. Counsel may obtain the telephonic appearance information from the updated calendar posted for this matter.



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
November 28, 2023

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No.: Case No. BK-S-23-10423-MKN
Chapter 11

**ORDER APPROVING STIPULATION
REGARDING JOINT MOTION TO APPROVE
SETTLEMENT AGREEMENT WITH COLE
KEPRO INTERNATIONAL, LLC PURSUANT
TO FEDERAL RULE OF BANKRUPTCY
PROCEDURE 9019 [ECF NO. 1295]**

Hearing Date: November 28, 2023
Hearing Time: 1:30 p.m.

CARLYON CICA CHTD.
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The Court, having reviewed and considered Stipulation Regarding Joint Motion to Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of Bankruptcy Procedure 9019 [ECF No. 1295] entered into by Chris McAlary (“McAlary”), by and through his counsel, the law firm of Carlyon Cica, Chtd.; Cash Cloud, Inc. (“Debtor”) by and through its counsel Jeanette McPherson, Esq. of Fox Rothschild LLP; and the Official Committee of Unsecured Creditors (the “Committee”) by and through its counsel Ryan J. Works, Esq. of McDonald Carano LLP and Seward & Kissel LP (collectively the “Parties”) and for good cause appearing:

IT IS HEREBY ORDERED that the Stipulation [ECF No. 1512] attached as Exhibit 1 is approved in its entirety.

IT IS HEREBY FURTHER ORDERED that Mr. McAlary’s Objection to Motion to Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of Bankruptcy Procedure 9019 [ECF No. 1488] is hereby withdrawn with prejudice.

IT IS HEREBY FURTHER ORDERED that Mr. McAlary’s Motion to Reconstitute the Official Unsecured Creditors’ Committee [ECF No. 1413] is hereby withdrawn with prejudice.

The Court shall separately enter a standard order scheduling a settlement conference amongst the Parties with respect to the McAlary Adversary on a date and at a time and place that the Parties and their counsel are available.

IT IS SO ORDERED.

Submitted by:

FOX ROTHSCHILD LLP

CARLYON CICA CHTD.

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 NICHOLAS A. KOFFROTH, ESQ.
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SEWARD & KISSEL LLP

John R. Ashmead, Esq.
Robert J. Gayda, Esq.
Catherine V. LoTempio, Esq.
Laura E. Miller, Esq.
Andrew J. Matott, Esq.
(*pro hac vice applications granted*)

-and-

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Amanda M. Perach, Esq. (NSBN 12399)
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*Counsel for Official Committee of
Unsecured Creditors*

EXHIBIT “1”

EXHIBIT “1”

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No.: Case No. BK-S-23-10423-MKN

Chapter 11

**STIPULATION REGARDING JOINT
MOTION TO APPROVE SETTLEMENT
AGREEMENT WITH COLE KEPRO
INTERNATIONAL, LLC PURSUANT
TO FEDERAL RULE OF
BANKRUPTCY PROCEDURE 9019
[ECF NO. 1295] AND STAY OF
APPEALS**

Hearing Date: November 28, 2023
Hearing Time: 1:30 p.m.

Chris McAlary (“McAlary”), by and through his counsel, the law firm of Carlyon Cica,
Chtd.; Cash Cloud, Inc. (“Debtor”) by and through its counsel Jeanette McPherson, Esq. of Fox

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1 Rothschild LLP; and the Official Committee of Unsecured Creditors (the “Committee”) by and
2 through its counsel Ryan J. Works, Esq. of McDonald Carano LLP and Seward & Kissel LLP
3 (collectively the “Parties”) hereby stipulate and agree as follows (the “Stipulation”):

4 RECITALS

5 WHEREAS, on September 22, 2023, Debtor and the Committee filed a *Joint Motion to*
6 *Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of*
7 *Bankruptcy Procedure 9019* [ECF No. 1295] (the “9019 Motion”);

8 WHEREAS, on November 18, 2023, Christopher McAlary filed his Objection to Motion
9 to Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule
10 of Bankruptcy Procedure 9019 [ECF No. 1488] (the “Objection”);

11 WHEREAS, an Evidentiary hearing on the 9019 Motion is set for November 28, 2023 at
12 1:30 p.m.;

13 WHEREAS, on September 1, 2023, the Committee, acting on behalf of the Debtor’s
14 estate, filed a Complaint against McAlary, Case No. Case 23-01125-mkn (the “McAlary
15 Adversary”);

16 WHEREAS, on October 20, 2023, McAlary filed a Motion to Reconstitute the Official
17 Unsecured Creditors’ Committee [ECF No. 1413](the “Motion to Reconstitute”);

18 WHEREAS, the Parties have conferred and agreed that (1) the Parties consent to
19 participate in good faith in a court-ordered settlement conference with respect to the McClary
20 Adversary; (2) McClary agrees to withdraw the Objection; and (3) McAlary agrees to withdraw
21 the Motion to Reconstitute.

22 NOW, THEREFORE, the Parties hereby stipulate and agree to the following:

23 **IT IS HEREBY STIPULATED** that Mr. McAlary’s Objection to Motion to Approve
24 Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of
25 Bankruptcy Procedure 9019 [ECF No. 1488] is hereby WITHDRAWN with prejudice.

26 **IT IS HEREBY FURTHER STIPULATED** that the Motion to Reconstitute [ECF No.
27 1413] is hereby WITHDRAWN with prejudice.

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1 **IT IS HEREBY FURTHER STIPULATED** that, with respect to the McAlary
2 Adversary, the Parties agree to participate in good faith in a confidential court-ordered
3 settlement conference pursuant to LR9019(a)(1), and the Parties jointly request that the Court
4 issue an order setting such a settlement conference.

5 **IT IS HEREBY FURTHER STIPULATED** that the Parties agree to stay both
6 appeals arising out of this bankruptcy case before the United States District Court, District of
7 Nevada under Case No. 2:23-cv-1424-GMN and Case No. 2:23-cv-01580-JAD until further
8 notice.

9 No other deadlines are affected by this Stipulation.

10 **IT IS SO STIPULATED AND AGREED.**

11 **CARLYON CICA CHTD.**

FOX ROTHSCHILD LLP

12 By: /s/ Candace Carlyon
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(pro hac vice applications granted)

-and-

MCDONALD CARANO LLP

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Counsel for Official Committee of

Unsecured Creditors

CERTIFICATE OF SERVICE

I am an employee of Carlyon Cica Chtd. On the date of filing of the foregoing papers with the Clerk of Court I caused a true and correct copy to be served in the following manner:

☒ ELECTRONIC SERVICE: Pursuant to LR 2002 of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed and served on all parties and attorneys who are filing users through the Notice of Electronic Filing automatically generated by the Court.

☐ UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally recognized courier, addressed to the parties listed below which was incorporated by reference and made final in the w at their last-known mailing address.

☐ FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Nancy Arceneaux
An employee of Carlyon Cica Chtd.

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